

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF WICKENBURG

THIS AGREEMENT is entered into 13th December, 2002, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF WICKENBURG, acting by and through its MAYOR and TOWN COUNCIL (the "Town").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Town.

3. The State and the Town desire to participate in the maintenance and construction of a new warranted traffic signal at the intersection of US 60 at Mariposa Drive (MP 109.2), hereinafter referred to as the "Project", for the safety and benefit of the traveling public.

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

NO. 25682
Filed with the Secretary of State
Date Filed: 12/13/02
Kelsey Bayless
Secretary of State

By: Dwight V. Greenwald

II. SCOPE OF WORK

1. The State will:

a. Provide design plans, specifications and such other documents and services required for construction bidding and construction. Incorporate or resolve Town review comments.

b. Call for bids and award one or more construction contract(s) for the Project. Administer same, and make all payments to the contractor(s).

c. Be responsible for fifty 50% percent of the cost of the traffic signal, in an amount estimated at \$75,000.00, and for its proportionate share of any cost increases, and for any contractor claims for extra compensation due to delays or whatever reason attributable to the State.

d. Invoice the Town for its share of the cost of the project, in an amount estimated at \$75,000 00.

e. Upon completion and acceptance of the traffic signal by the Town, provide maintenance to the signal and ancillary equipment, all at State expense.

2. The Town will:

a. Review the design documents and provide comments.

b. Be responsible for fifty percent (50%) of the cost of the Project, in an amount estimated at \$75,000.00, and for its proportionate share of any cost increases, and for any contractor claims for extra compensation due to delays or whatever reason attributable to the Town.

c. Upon completion, approve and accept the signal Project on behalf of the parties hereto, and provide electrical energy to operate the signal, all at Town expense.

d. Grant the State perpetual right of entry access outside the State right-of-way as required to perform maintenance of the signal and ancillary equipment.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall become effective upon filing with the Secretary of State.

2. This agreement shall remain in force and effect until completion of said project and reimbursements; provided, however, that this agreement, except any provisions for maintenance and electrical energy, which shall be perpetual, may be cancelled at any time prior to the award of a Project construction contract, upon thirty (30) days written notice to the other party.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy, which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007
FAX: 602-712-7424

Town of Wickenburg
Town Manager
155 North Tegner, Suite A
Wickenburg, Arizona 85390

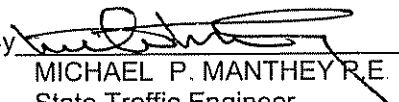
7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

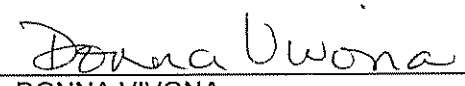
TOWN OF WICKENBURG

STATE OF ARIZONA
Department of Transportation

By 
JERRY STRICKLIN
Interim Town Manager

By 
MICHAEL P. MANTHEY R.E.
State Traffic Engineer

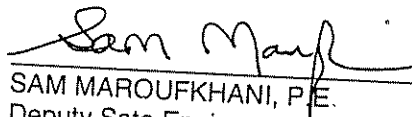
ATTEST

By 
DONNA VIVONA
Town Clerk

RESOLUTION

BE IT RESOLVED on this 7th day of August, 2002, that I, the undersigned VICTOR M. MENDEZ, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the Town of Wickenburg, for the purpose of defining responsibilities for the design, construction, operation and maintenance of a new warranted traffic signal at the intersection of US-60 @ Mariposa Dr. (MP 109.2), for the benefit and safety of the traveling public.

Therefore, authorization is hereby granted to draft said agreement, which, upon completion, shall be submitted to the State Traffic Engineer for approval and execution.



SAM MAROUFKHANI, P.E.
Deputy State Engineer
Development Intermodal Transportation Division

for VICTOR M. MENDEZ, Director

RESOLUTION NO. 1410

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, COUNTY OF MARICOPA, ARIZONA, RESOLVING THAT THE TOWN OF WICKENBURG ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA, WHICH IN ESSENCE APPORTIONS THE COST FOR CONSTRUCTION OF A TRAFFIC SIGNAL AND/OR HIGHWAY LIGHTING 50%/50% AMONG THE PARTIES

WHEREAS, the Town is desirous of having a traffic signal, along with attending other necessary lighting and improvements, constructed at the intersection of U S. Highway 60 at Mariposa Drive (Milepost 109.2) in the Town of Wickenburg; and,

WHEREAS, the State of Arizona, by and through its Department of Transportation, has agreed with the need for such traffic signal and other attending improvements and has, therefore, resolved through ADOT Resolution to enter into an Intergovernmental Agreement with the Town of Wickenburg to cause such construction and to share the cost on a 50/50 basis with the Town of Wickenburg; and,

WHEREAS, the Intergovernmental Agreement to which this Resolution is attached sets forth the terms, provisions, and conditions along with the rights and obligations of the respective parties.

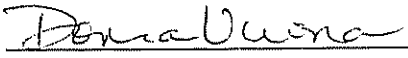
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA, as follows:

1. The Intergovernmental Agreement attached hereto and to which this Resolution will be denoted as Exhibit "A" thereto, be and is hereby authorized, approved, and adopted.
2. The Common Council of the Town of Wickenburg authorizes the Mayor to enter into and otherwise execute the Intergovernmental Agreement.
3. The Town of Wickenburg agrees, and does by these presences, agree to be bound by all terms, provisions, and conditions of the Intergovernmental Agreement and to accept any obligations imposed upon it and accept the benefits gained therefrom.

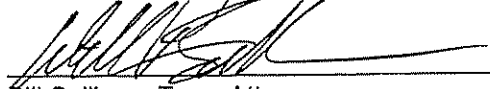
APPROVED, PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE Town of Wickenburg, County of Maricopa, Arizona, this Twenty-First (21st) Day of October, 2002.


LON R. MCDERMOTT, MAYOR

ATTEST:


Donna Vivona, Town Clerk

APPROVED AS TO FORM:


Bill Sullivan, Town Attorney
MARTINEZ & CURTIS, P.C.

NUMBER OF COUNCILMEMBERS PRESENT: 6
NUMBER OF VOTES FOR: 6
NUMBER OF VOTES AGAINST: 0
NUMBER OF ABSTENTIONS: 0

Date of Council Meeting Minutes Certification at which this Resolution was adopted: 10-22-02

JPA 02-061

APPROVAL OF THE TOWN OF WICKENBURG ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the TOWN OF WICKENBURG and declare this agreement to be in proper form and within the powers and authority granted to the Town under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 21st day of October, 2002.

A handwritten signature in black ink, appearing to be "William R. Smith", is written over a horizontal line.

Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL
TRANSPORTATION SECTION

1275 WEST WASHINGTON STREET. PHOENIX, AZ 85007-2926

JANET NAPOLITANO
ATTORNEY GENERAL

TRN Main: (602) 542-1680
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Fax: (602) 542-3646

MAIN PHONE : (602) 542-1680
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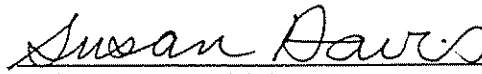
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR02-1676TRN (JPA 02-061), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED December 5, 2002.

JANET NAPOLITANO
Attorney General



SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

/srs

Att.